

**ASSEMBLY BILL**

**No. 1433**

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**Introduced by Assembly Member Gatto**

January 6, 2014

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An act to amend Section 67381 of the Education Code, relating to student safety, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1433, as introduced, Gatto. Student safety.

Existing law, the Kristin Smart Campus Safety Act of 1998, requires the governing boards of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions to adopt rules requiring each of their respective campuses to enter into a written agreement with local law enforcement agencies relating to Part 1 violent crimes. Existing law requires the written agreement to designate which law enforcement agency has operational responsibility for the investigation of each Part 1 violent crime and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

This bill would provide that the written agreement shall also require any report of a Part 1 violent crime or hate crime received by a campus law enforcement agency to be immediately reported to the appropriate local law enforcement agency if the victim consents, and forbid such a report absent that consent. By requiring community college districts and local law enforcement agency to enter into a written agreement in regard to a new obligation, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 67381 of the Education Code is amended  
2 to read:

3     67381. (a) The Legislature reaffirms that campus law  
4 enforcement agencies have the primary authority for providing  
5 police or security services, including the investigation of criminal  
6 activity, to their campuses.

7     (b) The governing board of each community college district,  
8 the Trustees of the California State University, the Regents of the  
9 University of California, and the governing board of independent  
10 postsecondary institutions, as defined, shall adopt rules requiring  
11 each of their respective campuses to enter into written agreements  
12 with local law enforcement agencies that clarify operational  
13 responsibilities for investigations of Part 1 violent crimes occurring  
14 on each campus.

15     (c) Local law enforcement agencies shall enter into written  
16 agreements with campus law enforcement agencies if there are  
17 college or university campuses located in the jurisdictions of the  
18 local law enforcement agencies.

19     (d) Each written agreement entered into pursuant to this section  
20 shall ~~designate~~ *do all of the following*:

21     (1) *Designate* which law enforcement agency shall have  
22 operational responsibility for the investigation of each Part 1  
23 violent ~~crime and delineate crime~~.

24     (2) *Delineate* the specific geographical boundaries of each  
25 agency's operational responsibility, including maps as necessary.

1     (3) *Require any report of a Part 1 violent crime or hate crime,*  
2 *as defined in Section 422.55 of the Penal Code, received by a*  
3 *campus law enforcement agency to be immediately reported to the*  
4 *appropriate local law enforcement agency if the victim consents,*  
5 *and forbid such a report absent that consent.*

6     (e) Written agreements entered into pursuant to this section shall  
7 be in place and available for public viewing by July 1, 1999. Each  
8 of the entities identified in subdivision (b) shall transmit a copy  
9 of each written agreement it has entered into pursuant to this  
10 section, and any other information it deems pertinent to its  
11 implementation of this section, to the Legislative Analyst on or  
12 before September 1, 1999.

13     (f) Each agency shall be responsible for its own costs of  
14 investigation unless otherwise specified in a written agreement.

15     (g) Nothing in this section shall affect existing written  
16 agreements between campus law enforcement agencies and local  
17 law enforcement agencies that otherwise meet the standards  
18 contained in subdivision (d) or any existing mutual aid procedures  
19 established pursuant to state or federal law.

20     (h) Nothing in this section shall be construed to limit the  
21 authority of campus law enforcement agencies to provide police  
22 services to their campuses.

23     (i) As used in this section, the following terms have the  
24 following meanings:

25     (1) “Local law enforcement agencies” means city or county law  
26 enforcement agencies with operational responsibilities for police  
27 services in the community in which a campus is located.

28     (2) “Part 1 violent crimes” means willful homicide, forcible  
29 rape, robbery, and aggravated assault, as defined in the Uniform  
30 Crime Reporting Handbook of the Federal Bureau of Investigation.

31     (3) “Independent postsecondary institutions” means institutions  
32 operating pursuant to Section 830.6 of the Penal Code or pursuant  
33 to a memorandum of understanding as described in subdivision  
34 (b) of Section 830.7 of the Penal Code.

35     (j) This section shall be known and may be cited as the Kristin  
36 Smart Campus Safety Act of 1998.

37     (k) It is the intent of the Legislature by enacting this section to  
38 provide the public with clear information regarding the operational  
39 responsibilities for the investigation of crimes occurring on  
40 university and college campuses by setting minimum standards

1 for written agreements to be entered into by campus law  
2 enforcement agencies and local law enforcement agencies.

3 SEC. 2. If the Commission on State Mandates determines that  
4 this act contains costs mandated by the state, reimbursement to  
5 local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.

8 SEC. 3. This act is an urgency statute necessary for the  
9 immediate preservation of the public peace, health, or safety within  
10 the meaning of Article IV of the Constitution and shall go into  
11 immediate effect. The facts constituting the necessity are:

12 In order to ensure student safety by requiring the effective  
13 reporting of Part 1 violent crimes and hate crimes, at the earliest  
14 possible time, it is necessary that this act take effect immediately.